

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:
DAVIS CURTIS

Case No. 19-48072
Chapter 13
Hon. MARK A. RANDON

_____/

POST-CONFIRMATION PLAN MODIFICATION

Debtor(s), have filed papers with the Court to Modify their confirmed Chapter 13 Plan.

An Order Confirming Plan had been entered. The Debtor(s) propose to modify the confirmed plan pursuant to LBR 3015-2(b) as follows:

- (1) To increase the Chapter 13 plan payment to \$2,645.10 monthly.
- (2) Debtors delinquent plan payments are hereby excused.
- (3) Debtor's obligation to remit their 2019 income tax refund in the amount of \$1,027.00 is hereby excused.
- (4) In all other respects, the Order Confirming Plan referred to above shall remain in full force and effect.

That this modification is being filed for the following reasons:

- (1) Debtor was unexpectedly laid off work due to the Covid-19 global pandemic and Debtor was unable to make his Chapter 13 Plan payments. He is currently receiving unemployment and due to medical reasons he expecting to receive permanent disability. Debtor's non-filing spouse began working to make ends meet and now with her income along with his unemployment, Debtor and his wife are able to make his plan payment going forward and Debtor's counsel is in the process of implementing a ACH contemporaneously with the filing of this Plan Modification.
- (2) Debtor was entitled to a federal income tax refund of \$1,027.00 for the 2019 tax year. Because Debtor had lost his employment, he and his family

had to utilize the full tax refund to pay regular budgetary expenses (Debtor will provide a copy of his tax returns and an Affidavit attesting to same in conjunction with the filing of this pleading).

That this plan modification will not affect any class of creditors:

a) No classes of creditors are impacted.

Attached as Exhibit (1) is a Notice of Deadline to Object to Proposed Chapter 13 Plan Modification (2) Proposed Order Modifying said Plan in accordance with this Proposed Post-Confirmation Plan Modification. Attached as Exhibit (3) is a Certificate of Service. Attached as Exhibit (4) is a copy of Plan Calc I showing \$0.00 being paid to unsecured creditors. Attached as Exhibit (5) is a copy of the liquidation analysis.

Wherefore Debtor(s) respectfully request from this Honorable Court that their post-confirmation plan modification be granted.

Respectfully submitted,

DATE: February 10, 2021

/s/ Jesse R. Sweeney
Jesse R. Sweeney (P60941)
Sweeney Law Offices, P.L.L.C.
Attorney for Debtor
25140 Lahser Rd., Ste. 252-B
Southfield, MI 48033
(586) 909-8017
Sweeneylaw2005@yahoo.com

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Notice of Deadline to Object to Proposed Chapter 13 Plan Modification

The deadline to file an objection to the attached proposed chapter 13 plan modification is 21 days after service.

If no timely responses are filed to a proposed post-confirmation plan modification, the proponent may file a certificate of no response and request entry of an order approving the plan modification.

If a timely objection is filed, the Court will set the matter for hearing and give notice of the hearing to the debtor, the proponent of the plan modification, the trustee and any objecting parties. In that event, the plan modification will become effective when the Court enters an order overruling or resolving all objections.

Objections to the attached proposed chapter 13 plan modification shall be served on the following:

Krispen S. Carroll, Chapter 13 Trustee, 719 Griswold St., Ste. 1100, Detroit, MI 48226

Jesse R. Sweeney, Attorney for Debtor, 25140 Lahser Rd., Ste. 252-B, Southfield, MI 48033

DATE: February 10, 2021

/s/ Jesse R. Sweeney
Jesse R. Sweeney (P60941)
Sweeney Law Offices, P.L.L.C.
Attorney for Debtor
25140 Lahser Rd., Ste. 252-B
Southfield, MI 48033
(586) 909-8017
Sweeneylaw2005@yahoo.com

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IN RE:
DAVIS CURTIS

Case No. 19-48072
Chapter 13
Hon. MARK A. RANDON

PROPOSED ORDER FOR POST-CONFIRMATION PLAN MODIFICATION

Upon the reading and filing of Debtor's Certification of Non Response for Notice of Proposed Post-Confirmation Plan Modification;

IT IS HEREBY ORDERED:

- (1) To increase the Chapter 13 plan payment to \$2,645.10 monthly.
- (2) Debtors delinquent plan payments are hereby excused.
- (3) Debtor's obligation to remit their 2019 income tax refund in the amount of \$1,027.00 is hereby excused.
- (4) In all other respects, the Order Confirming Plan referred to above shall remain in full force and effect.

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CERTIFICATE OF SERVICE

I, Jesse R. Sweeney, counsel for the aforementioned Debtor(s), hereby certify that I electronically filed Debtor's Post-Confirmation Plan Modification, Notice of Plan Modification, proposed Order, liquidation analysis, Exhibits, and Plan Calc II with the Clerk of the Court using the ECF system and on the date listed to the left of my signature, I served said document, either electronically or by First Class United States Postal Service mail to all those at the below listed addresses:

United States Trustee
211 W Fort Street, Suite 700
Detroit, MI 48226

Krispen S. Carroll
Chapter 13 Trustee
notice@det13ksc.com

and attached matrix

DATE: February 10, 2021

/s/ Jesse R. Sweeney
Jesse R. Sweeney (P60941)
Sweeney Law Offices, P.L.L.C.
Attorney for Debtor
25140 Lahser Rd., Ste. 252-B
Southfield, MI 48033
(586) 909-8017
sweeneylaw2005@yahoo.com

Label Matrix for local noticing
0645-2
Case 19-48072-mar
Eastern District of Michigan
Detroit
Wed Feb 10 16:49:45 EST 2021

Christian Financial CU
18441 Utica Road
Roseville, MI 48066-4299

Enhanced Recovery
PO Box 57547
Jacksonville, FL 32241-7547

(p)INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPERATIONS
PO BOX 7346
PHILADELPHIA PA 19101-7346

Michigan Department of Treasury
Bankruptcy Unit, P.O. BOX 30168
Lansing, MI 48909
5 48909-7668

Portfolio Recov Assoc
120 Corporate Blvd Ste 100
Norfolk, VA 23502-4952

Regional Acceptance Corporation
PO Box 1847
Wilson, NC 27894-1847

State of Michigan Department of Treasury
3030 W. Grand Blvd., Ste 10-200
Detroit, MI 48202-6030

United States Trustee
211 W. Fort Street, Suite 700
Detroit, MI 48226-3263

American First Finance
c/o Becket and Lee LLP
PO Box 3002
Malvern PA 19355-0702

David J. Curtis
53472 Fox Pointe Drive
New Baltimore, MI 48047-6371

Christopher E. Frank
P.O. Box 2191
Royal Oak, MI 48068-2191

Erin Ashley-Bartos Kramer
25140 Lahser Road
Suite 252-B
Southfield, MI 48033-2753

Michigan Department of Treasury
Collection Services
PO BOX 30199
Lansing, MI 48909-7699

(p)PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

Craig B. Rule
1650 West Big Beaver Road
Troy, MI 48084-3534

Jesse R. Sweeney
25140 Lahser Road
Suite 252B
Southfield, MI 48033-6300

Wells Fargo Bank, N.A.
Attn: Default Document Processing
MAC# N9286-01Y, 1000 Blue Gentian Road
Eagan, MN 55121-7700

Krispen S. Carroll
719 Griswold
Suite 1100
Detroit, MI 48226-3314

Heather L. Donald
Cadillac Place
3030 W. Grand Blvd.
Suite 10-200
Detroit, MI 48202-6030

IRS
Centralized Insolvency Operations
PO BOX 7346
Philadelphia, PA 19101-7346

LVNV Funding, LLC
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

Orlans & Associates
1650 West Big Beaver Road
Troy, MI 48084-3534

Regional Acceptance Corp
1424 E Fire Tower Road
Greenville, NC 27858-4105

State of MI Dept of Treasury
Bankruptcy Unit
PO BOX 30168
Lansing, MI 48909-7668

US Attorney
Attn : Civil Division
211 West Fort Street
Detroit, MI 48226-3277

Wells Fargo Home Mortgage
PO Box 10335
Des Moines, IA 50306-0335

Internal Revenue Service
PO BOX 21125
Philadelphia, PA 19114

Portfolio Recovery Associates, LLC
POB 12914
Norfolk VA 23541

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Christian Financial Credit Union	(u)Wells Fargo Bank, N.A.,	End of Label Matrix	
		Mailable recipients	26
		Bypassed recipients	2
		Total	28

ATTACHMENT 1

LIQUIDATION ANALYSIS AND STATEMENT OF VALUE OF ENCUMBERED PROPERTY:

TYPE OF PROPERTY	FAIR MARKET VALUE	LIENS	DEBTOR'S SHARE OF EQUITY	EXEMPT AMOUNT	NON-EXEMPT AMOUNT
PERSONAL RESIDENCE					
53472 Fox Pointe Drive New Baltimore, MI 48047 Macomb County	230,000.00	201,486.00	28,514.00	25,150.00	3,364.00
PERSONAL RESIDENCE (total)	230,000.00	201,486.00	28,514.00	25,150.00	3,364.00
REAL ESTATE OTHER THAN PERSONAL RESIDENCE	0.00	0.00	0.00	0.00	0.00
HHG/PERSONAL EFFECTS					
Misc. articles of furniture and appliances. Location: 53472 Fox Pointe Drive, New Baltimore MI 48047	7,000.00	0.00	7,000.00	7,000.00	0.00
HHG/PERSONAL EFFECTS (total)	11,500.00	0.00	11,500.00	9,500.00	2,000.00
JEWELRY					
Wedding rings. Location: 53472 Fox Pointe Drive, New Baltimore MI 48047	3,000.00	0.00	3,000.00	1,700.00	1,300.00
JEWELRY (total)	3,000.00	0.00	3,000.00	1,700.00	1,300.00
CASH/BANK ACCOUNTS	128.00	0.00	128.00	0.00	128.00
VEHICLES					
2008 F Taurus 110,000 miles Location: 53472 Fox Pointe Drive, New Baltimore MI 48047	5,000.00	0.00	5,000.00	4,000.00	1,000.00
2005 Ford Mercury 130,000 miles Location: 53472 Fox Pointe Drive, New Baltimore MI 48047	2,000.00	0.00	2,000.00	0.00	2,000.00
VEHICLES (total)	10,000.00	0.00	10,000.00	5,325.00	4,675.00
OTHER (itemize)					

401k: TransAmerica	5,000.00	0.00	5,000.00	5,000.00	0.00
OTHER (total)	5,000.00	0.00	5,000.00	5,000.00	0.00

Amount available upon liquidation	\$	11,467.00
Less administrative expenses and costs	\$	16,600.00
Less priority claims	\$	7,763.18
Amount Available in Chapter 7	\$	0.00

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 Sweeney Law Offices Case Query

Krispen Carroll Detroit MI (dtc)

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Recently Accessed Cases 19-48072-MAR DAVID J CURTIS

19-48072-MAR	DAVID J CURTIS (xxx-xx-4866)	53472 FOX POINTE DRIVE • NEW BALTIMORE • MI • 48047	\$1,081.92 BW/	Bar Date(s): 8/8/2019 (has passed) 11/26/2019 (has passed)
Print Inquiry	Trustee: Krispen S. Carroll	Attorney: SWEENEY LAW OFFICES PLLC	Confirmed: 6/27/2020	Case Status: OPEN/ACTIVE

The data on these pages has not been audited and is provided for general information only.

8 Month(s) since Confirmation UP = \$0.00 TPI = \$21,232.87 TPILR = \$21,232.87 BOH = \$0.00 BOH+FEES = \$0.00

Line	Name	Claimed Amount	Mortgage Due	Coll / Value	Interest Rate	Monthly Payment	To Be Paid	Mo
ATTORNEY FEE								
1	SWEENEY LAW OFFICES PLLC	\$8,366.73						
2	ADDED CREDITOR	\$5,000.00		\$5,000.00			\$5,000.00	
OTHER ATTORNEY FEES								
3	ADDED CREDITOR							
FORMER ATTORNEY								
4	ADDED CREDITOR							
OTHER PROFESSIONAL FEES								
5	ADDED CREDITOR							
DEBTOR REFUND								
6	DAVID J CURTIS							
ARREARAGE - MORTGAGE/LAND CONTRACT								
7	WELLS FARGO	\$12,385.22		\$12,385.22		\$334.74	\$12,385.22	36
8	ADDED CREDITOR							
ARREARAGE - VEHICLE								
9	ADDED CREDITOR							
ARREARAGE - OTHER								
10	ADDED CREDITOR							
CONT'G DEBT (USE IN PLAN CALC)								

Change Line# OK Plan Terms 52 Calc Unsecured % 0 Calc

Due to Creditors: \$2,052.34 \$137,544.75
 In from Debtor: \$2,645.10 \$137,545.20

Restart

Trustee's % 8.5
 Lump Sum \$ 0.00
 Delete Line 0 OK

Debtor 1 Pay Schedules

Who's Paying	Amount	Schedule	Upd	Calc
PME CONSULTANTS	\$2,645.10	MONTHLY	\$?
DAVID J CURTIS	\$0.00	MONTHLY	\$?

Debtor 2 Pay Schedules

Who's Paying	Amount	Schedule	Upd	Calc
DEBTOR	\$0.00	MONTHLY	\$?

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CONT'G DEBT (USE IN PLAN CALC)							
11	ADDED CREDITOR						
12	ADDED CREDITOR						
CURR MTG							
13	WELLS FARGO				\$1,543.15	\$80,243.80	
14	WELLS FARGO	\$19,936.15		\$19,936.15		\$19,936.15	
15	ADDED CREDITOR						
16	ADDED CREDITOR						
EXEC CONTRACT - VEHICLE							
17	ADDED CREDITOR						
EXEC CONTRACT - NON-VEHICLE							
18	ADDED CREDITOR						
POST-PET/PRE-CONF MTG PYMTS							
19	ADDED CREDITOR						
20	ADDED CREDITOR						
PRIORITY							
21	INTERNAL REVENUE SERVICE	\$6,950.92		\$6,950.92		\$6,950.92	
22	STATE OF MICHIGAN CD	\$1,337.36		\$1,337.36		\$1,337.36	
23	ADDED CREDITOR						
24	ADDED CREDITOR						
DSO CREDITOR - ARREARAGE							

Change Line# 0 OK Plan Terms 52 Calc Unsecured % 0 Calc

Restart

Trustee's % 8.5

Lump Sum \$ 0.00

Delete Line 0 OK

Debtor 1 Pay Schedules					
Who's Paying	Amount	Schedule	Upd	Calc	
PME CONSULTANTS	\$2,645.10	MONTHLY	\$?	
DAVID J CURTIS	\$0.00	MONTHLY	\$?	

Debtor 2 Pay Schedules					
Who's Paying	Amount	Schedule	Upd	Calc	
DEBTOR	\$0.00	MONTHLY	\$?	

Due to Creditors: \$2,052.34 \$137,544.75

In from Debtor: \$2,645.10 \$137,545.20

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26	ADDED CREDITOR				
DSO CREDITOR - CONTINUING					
27	ADDED CREDITOR				
28	ADDED CREDITOR				
PROP TAX					
29	ADDED CREDITOR				
SECURED					
30	ADDED CREDITOR				
31	ADDED CREDITOR				
AUTOMOBILE					
32	ADDED CREDITOR				
EQUAL MONTHLY PAYMENT CREDITOR - VEHICLE					
33	ADDED CREDITOR				
34	ADDED CREDITOR				
EQUAL MONTHLY PAYMENT CREDITOR - NON-VEHICLE					
35	ADDED CREDITOR				
36	ADDED CREDITOR				
All Unsecured Creditors					
37	Total Unsecured	28765.07		Percent Allowed	Amount Allowed
				0	

Change Line# OK

Plan Terms 52 Calc

Unsecured % 0 Calc

Restart

Trustee's % 8.5

Lump Sum \$ 0.00

Delete Line 0 OK

Debtor 1 Pay Schedules

Who's Paying	Amount	Schedule	Upd	Calc
PME CONSULTANTS	\$2,645.10	MONTHLY	\$?
DAVID J CURTIS	\$0.00	MONTHLY	\$?

Debtor 2 Pay Schedules

Who's Paying	Amount	Schedule	Upd	Calc
DEBTOR	\$0.00	MONTHLY	\$?

Due to Creditors: \$2,052.34 \$137,544.75
 In from Debtor: \$2,645.10 \$137,545.20

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